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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,260	10/31/2003	Richard J. Schneider	IGT1P288X1/AC020 CIP1, AC	2064
22434	7590	05/14/2008	EXAMINER	
BEYER WEAVER LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			LANEAU, RONALD	
			ART UNIT	PAPER NUMBER
			3714	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/699,260	Applicant(s) SCHNEIDER ET AL.	
	Examiner RONALD LANEAU	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03242008</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. The amendment filed on 10/22/07 has been entered. Claims 1-7 and 16-19 remain pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acres (US 6,319,125 B1) in view of Walker et al (US 6,110,041 A1).

As per claims 1, 6 and 16, Acres discloses a gaming network comprising: a gaming device including a base game and a secondary bonus feature, the secondary bonus feature playable by players identified to the gaming device (se abs.); player tracking hardware structured to identify a player of the gaming device; a player tracking system structured to store data about gameplay of the player of the gaming device (card reader to identify and track the players); and a player processing system structured to record a present state of the secondary bonus feature (col. 4, lines 21-32), wherein the present state of the secondary bonus feature can be recalled from stored data during a subsequent gaming session, the secondary bonus feature including a series of trigger events in which the secondary bonus feature advances to a non-initial state upon the occurrence of a trigger event (col. 4, lines 45-63; welcome back bonuses are sent to the DACOM host and recorded, when the user inserts their card at a subsequent session in a different gaming

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device, the present state of the welcome back bonus can be recalled from the DACOM host and the points required for each welcome back bonus can be cumulatively earned over successive visits providing a plurality on non-initial states). Acres does not explicitly disclose that the gaming device acquires an award randomly selected from a group of possible awards but Walker discloses at a non-initial state a player identified to the gaming device acquires an award randomly selected from a group of possible awards, and at the end of the secondary bonus feature the player is rewarded based on the number or types of awards acquired (the gaming device can record session information of the bonus game played on the gaming device and send the data to the central server which can transmit preferences to tailor the game to the player (e.g. based upon the skill of the player or amount of money spent) and the system can modify the award or award payouts according to a player's preferences, also calculates and stores any complimentary awards due the player).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize an award selected from a group of possible awards as claimed by Walker into the system of Acres because it would provide players with the options of selecting an award from a plurality in order to keep their interest in the game.

As per claims 2-4, Acres discloses a gaming network wherein the award is capable of having an initial state and one or more non-initial states; wherein the game is structured to configure a state of the award to one of the non-initial states; and wherein the game is structured to configure a state of the award for the player to one of the non-initial states in a present gaming session if the award was in one of the non-initial states in a previous gaming session of the player as claimed (see figs. 1-6).

As per claims 5, 17 and 18, Acres discloses a gaming network further comprising a message controller resident on the gaming device and a messaging center in the player processing system (see figs. 36-40).

As per claim 7, the gaming network as taught by Acres is capable of communicating using XML messaging as claimed.

As per claim 19, Acres discloses a gaming network wherein the gaming device is structured to communicate to the player tracking system over a first communication network, and wherein the gaming device is structured to communicate to the player server over a second communication network (see fig. 7).

Response to Arguments

4. Applicant's arguments with respect to claims 1-7 and 16-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication should be directed to RONALD LANEAU at telephone number (571)272-6784.

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SPE
Art Unit 3714

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Supervisory Patent Examiner, Art Unit 3714

05/08/08